

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3839 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

1 to 5 - No

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MAHENDRASING KUBERSING

ATODARIA

Versus

STATE OF GUJARAT

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Appearance:

MR PB MAJMUDAR for Petitioners

MR DP JOSHI, AGP for Respondent No. 1, 5

MR YN OZA for Respondent No. 4

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CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 09/07/98

ORAL JUDGEMENT

In this petition under Article 226 of the Constitution, the petitioners have prayed that respondent No. 2-Collector, Bharuch be directed to regularize the possession of the petitioners regarding the land situated in village Valiya, bearing City Survey Nos. 453 and 454 (Sheet No. 15) alongwith open land by taking market price of the land. The petitioners have also prayed for interim protection against eviction.

2. Mr Parikh, learned counsel for the petitioners states that the petitioners will withdraw Civil Suit No. 283 of 1995 if the same is pending or any other pending suit on the subject matter of the present petition.

3. Having heard the learned counsel for the parties, it appears to the Court that since the petitioners are praying for regularization of their possession of the land in question on which construction has been put up, it is for the petitioners to make an application to the Competent Authority with all necessary prayers and to place all necessary and relevant material before the authority. As and when such application is made, the authority shall consider and decide the same in accordance with law as expeditiously as possible and preferably within three months from the date of receipt of the application.

4. Until the petitioners' application for regularization is decided, the respondents shall not evict the petitioners from the houses in question.

5. The petition is accordingly disposed of in terms of the aforesaid direction. Rule is discharged. No order as to costs.

Sd/-

July 9, 1998

(M.S. Shah, J.)